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Co-Lead Counsel for Plaintiffs

**\*E-FILED - 4/10/08\***

[Additional counsel appear on signature page.]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re FINISAR CORP. DERIVATIVE LITIGATION	)	Master File No. C-06-07660-RMW
	)	
	)	STIPULATION AND [] ORDER
	)	REVISING BRIEFING SCHEDULE FOR
This Document Relates To:	)	SECOND AMENDED CONSOLIDATED
	)	COMPLAINT AND DEFENDANTS'
ALL ACTIONS.	)	RESPONSE THERETO
	)	

1 WHEREAS, further to this Court's Order Granting Defendants' Motions to Dismiss of  
2 January 11, 2008, plaintiffs' Second Amended Consolidated Complaint was due to be filed on  
3 January 31, 2008;

4 WHEREAS the parties have met and conferred and agreed to meet during the week of April  
5 7, 2008 to discuss avenues of possible resolution of the action;

6 WHEREAS, the parties have entered into two prior stipulations continuing this filing from  
7 January 31, 2008 to April 4, 2008;

8 WHEREAS, the parties need additional time to discuss the avenues of resolution of this  
9 action and the parties have met and conferred and agree that plaintiffs shall file a Second Amended  
10 Consolidated Complaint by no later than May 6, 2008; and

11 WHEREAS, the agreed-upon schedule is not for the purpose of delay, promotes judicial  
12 efficiency, and will not cause prejudice to any party;

13 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by plaintiffs and defendants,  
14 through their respective counsel of record subject to approval of the Court as follows:

15 1. Plaintiffs shall have until no later than May 6, 2008 to file and serve a Second  
16 Amended Consolidated Complaint which will supersede all existing complaints filed in these  
17 actions;

18 2. Defendants shall answer or otherwise respond to the Second Amended Consolidated  
19 Complaint no later than June 20, 2008; and

20 3. In the event that defendants file and serve any motion directed at the Second  
21 Amended Consolidated Complaint, plaintiffs shall file and serve their opposition no later than  
22 August 4, 2008.

23 4. Defendants shall file and serve their reply no later than September 3, 2008.  
24  
25  
26  
27  
28

1 IT IS SO STIPULATED.

2 DATED: April 3, 2008

COUGHLIN STOIA GELLER  
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SHAWN A. WILLIAMS  
AELISH M. BAIG

5 /s/  
6 AELISH M. BAIG

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20 DATED: April 3, 2008

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MAYA SAXENA  
JOSEPH E. WHITE

22 /s/  
23 JOSEPH E. WHITE

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28 Co-Lead Counsel for Plaintiffs

DATED: April 4, 2008

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Attorneys for Defendants

I, Aelish M. Baig, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER REVISING BRIEFING SCHEDULE FOR SECOND AMENDED CONSOLIDATED COMPLAINT AND DEFENDANTS' RESPONSE THERETO. In compliance with General Order 45, X.B., I hereby attest that Joseph E. White, and David A. Priebe have concurred in this filing.

/s/  
AELISH M. BAIG

\* \* \*

**ORDER**

Having considered the parties' Stipulation, and good cause appearing, the Court hereby GRANTS the parties' Stipulation.

IT IS SO ORDERED.

DATED: 4/10/08

*Ronald M. Whyte*  
THE HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 4, 2008.

/s/

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## Mailing Information for a Case 5:06-cv-07660-RMW

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### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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